

Grand Jury Law Amendment (Ireland) Bill.

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[Bill 120.]

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Clause.

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SCHEDULES.

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B I L L

TO

Amend the Law relating to Grand Juries and Presentment A.D. 1878.
Sessions in Ireland.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same :

- 5 1. This Act shall extend to Ireland only, and may be cited as *The Grand Jury Law Amendment (Ireland) Act, 1878.* Excerpt and short title.
2. This Act shall, except as is in this Act specially provided, commence and have effect from the *thirty-first day of March one thousand eight hundred and seventy-nine.* Commencement of Act.
- 10 3. The Act of the session of Parliament held in the sixth and seventh years of His late Majesty King William the Fourth, chapter one hundred and sixteen, intituled "An Act to consolidate and amend the laws relating to the presentment of public money by grand juries in Ireland," may be cited as "The Grand Jury (Ireland) Act, 1836"; and in this Act the expression "the principal Act" means the Grand Jury (Ireland) Act, 1836, as amended by any Act or Acts : Interpretation.

In this Act the term "barony" includes every division of a barony in which baronial presentment sessions shall have been appointed to be held during the year preceding the passing of this Act, and every new barony constituted under the provisions of the principal Act or of this Act :

For the purposes of this Act, the counties of cities, counties of towns, and boroughs specified in the first schedule to this Act shall not (except as is in this Act otherwise expressly provided with respect to district lunatic asylums) be deemed to be counties, or to form parts of counties :

Each riding of the county of Tipperary shall for the like purposes be deemed to be a county.

[Bill 120.]

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A.D. 1878.
Constitution
of baronial
presentment
sessions.

4. From and after the commencement of this Act, the presentment sessions for every barony in each county shall consist of an equal number of nominated members and of elected members. The nominated members shall be persons nominated by the grand jury of the county in the manner herein-after provided. The elected members shall be the persons elected, or remaining in office as if re-elected, in each year as guardians of the poor for each electoral division in such barony, in which county cess is levied for the purposes of the barony.

Where an electoral division is situate in more than one barony, it shall for the purposes of this Act be deemed to be situate in that barony which contains a greater part of the total value of such division than any other barony, according to the valuation in force for the time being under the Acts relating to the valuation of rateable property in Ireland.

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The grand jury shall, at the first and every subsequent spring assizes after the passing of this Act, nominate a sufficient number of persons as members of the presentment sessions for each barony, and in so doing shall proceed as follows:

They shall first nominate justices of the peace acting for the county who are seized, possessed of, or entitled to, lands, tenements, or hereditaments, or any estate or interest therein, situate in such barony, upon which county cess is assessed for the purposes of the barony. If the number of such justices is not sufficient the grand jury shall make up the number required by nominating at their discretion persons resident in the barony, and seized, possessed of, or entitled to, lands, tenements, or hereditaments, or any estate or interest therein, situate in such barony, upon which county cess is assessed for the purposes of the barony.

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The place of meeting of any baronial presentment sessions may be either within or without the limits of the barony.

Abolition of
county at
large ses-
sions. Es-
tablishment
of County
Board.

5. From and after the commencement of this Act, no presentment sessions shall be held for any county under the authority and for the purposes of the principal Act in respect of business relating to the county at large; and in lieu thereof there shall be established in every county a County Board, consisting of an equal number of justices and of elected members, to be chosen in the manner herein-after prescribed.

General
constitution
of County
Board.

6. The County Board of every county, other than the counties of Cork, Galway, and Meath, shall consist of four numbers chosen in equal proportions by the nominated and the elected members of the baronial presentment sessions of each barony to represent

the barony at the County Board. The County Board of each of the counties of Cork, Galway, and Meath shall consist of two members chosen in equal proportions by the nominated and the elected members of the baronial presentment sessions of each 5 barony to represent the barony at the County Board.

7. In every barony, the nominated members and the elected members of the baronial presentment sessions shall, on the first occasion of their meeting at presentment sessions in such barony after the *twenty-fifth day of March* in each year, separately proceed to elect from amongst the members of such presentment sessions so many representatives as they may be respectively entitled to elect as members of the County Board, to represent such barony under the provisions of this Act. At every such election, in addition to the nominated members and the elected members of the 15 baronial presentment sessions qualified as is herein-before prescribed, all such justices of the peace acting for the county as shall be seized, possessed of, or entitled to lands, tenements, or hereditaments situate in such barony upon which county cess is assessed for county at large charges, shall be qualified to attend and vote 20 with the nominated members for representatives on the County Board, but shall not, unless otherwise qualified, take any further part in the proceedings of the presentment sessions; and all the persons elected or remaining in office as if re-elected in each year as guardians of the poor for any electoral division in such barony 25 in which county cess is levied for the like charges, shall be qualified to attend and vote with the elected members for representatives on the County Board, but shall not, unless otherwise qualified, take any further part in the proceedings of the presentment sessions. At such election the chairman shall preside, and the nominated 30 members with such justices as aforesaid, if any, and the elected members with such guardians as aforesaid, if any, shall separately vote for one half the number of representatives entitled to be returned for the barony. The chairman shall have, in addition to his vote or votes, a casting vote in every case of an equality of 35 votes, whether for a representative of the nominated or the elected members.

If any person shall be elected by both the nominated members and the elected members, he shall, if himself a nominated member, be returned as a representative of the nominated members; and 40 the elected members, with the guardians, if any, shall forthwith proceed to elect another representative in his place; but if he is himself an elected member, he shall be returned as a representative of the elected members; and the nominated members, with the

Mode of
election of
members of
County
Board.

A.D. 1878. justices, if any, shall forthwith proceed to elect another representative in his place.

The persons so elected shall constitute the County Board during the ensuing year to be computed from such *twenty-fifth day of March*, and immediately upon their election the persons previously elected shall go out of office; provided always, that in every case the persons whose terms of office expire on the *twenty-fifth day of March* in any year shall continue to act until others are elected in their stead, and that any person going out of office shall be eligible for re-election for the ensuing or any subsequent year. 10

The chairman presiding at every such election shall, according to the best of his judgment and ability, make a true return in writing to the secretary of the grand jury (in this Act styled "the county secretary") of such county of the persons who shall be elected at such election. The county secretary of every county shall enter in a register the names of the persons so returned to him as elected to serve on the County Board. 15

*Register to
be kept.*

8. The county secretary shall also enter in a register the names of the nominated and the elected members of the several baronial presentment sessions in the county, and of the justices and the guardians, if any, qualified to attend and vote for representatives of the barony. For the purpose of enabling the secretary of each county to keep such register, immediately after the holding of the election of poor law guardians in every year, the clerk of every union shall make a list with respect to each barony and part of a barony included within his union of the elected members of the baronial presentment sessions, and of the justices and guardians, if any, qualified under the provisions of this Act to attend at the baronial presentment sessions of such barony, with their names and addresses, and shall transmit the list by post to the county secretary, and shall from time to time transmit to the secretary the names of any persons who subsequently to the making out of such list may have become qualified, or may have ceased to be qualified, to be members of or to attend at such presentment sessions. 20

If the clerk to the guardians of any union shall make wilful default in complying with the provisions of this section, he shall be liable to a fine not exceeding *five pounds*, to be recovered in a summary manner at the suit of the County Board of the county in respect to which any such default shall have been made. 25

*Functions of
County
Board.*

9. At and after the first meeting in any county of the County Board of that county as constituted under this Act, all powers, rights, and duties at the time of the passing of this Act exercisable by or attaching to or which would but for this Act have been

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exercisable by or attach to the presentment sessions held under the authority and for the purposes of the principal Act in the county court-house in respect to business relating to the county at large, shall be transferred to and vested in such County Board : 5 And further, there shall be transferred to and vested in such County Board all the powers, rights, and duties at the time of the passing of this Act exercisable by or attaching to, or which would but for this Act have been exercisable by or attach to, the grand jury of such county, in relation to the following purposes; 10 (namely,) —

- (1.) In relation to the making, maintaining, or repairing of all roads, bridges, footpaths, pipes, gullets, piers, and quays, or deepening or embanking any river or lake, or lowering any hill or filling up any hollow, or making or maintaining any fence, railing, or wall, or erecting or repairing direction posts, milestones, mileposts, and depots for materials, or stopping up old roads ; and generally, in relation to all works in connexion with roads, whether chargeable upon the county at large or upon any barony :
- (2.) In relation to the provision and maintenance of asylums or other accommodation for pauper lunatics :
- (3.) In relation to any county infirmary :
- (4.) In relation to industrial and reformatory schools :
- (5.) In relation to providing militia storehouses :
- (6.) In relation to inquests, coroner's fees, and allowances to witnesses :
- (7.) In relation to the general valuation under the Valuation (Ireland) Amendment Act, 1874 :
- (8.) In relation to appointing, removing, and fixing the salaries of public analysts :
- (9.) In relation to appointing the times and places for the meetings of the baronial presentment sessions :
- (10.) In relation to levying and assessing the county cess, whether upon any barony or upon the county at large.

No vote or presentment relative to any of the matters aforesaid of any baronial presentment sessions, nor of any County Board, shall be brought before or require confirmation by the grand jury.

The several provisions of the principal Act relative to the duty of the clerk of the Crown, and the treasurer, and the surveyor, and the secretary of the grand jury in respect of presentments of any grand jury and in respect to meetings

A.D. 1878. — proceedings of presentment sessions for the county at large, shall apply to the presentments of the County Board made under this section and to the meetings and proceedings of the County Board.

If any question arises as to whether any business which at the time of the passing of this Act was within the jurisdiction of the grand jury is or is not within the jurisdiction of the County Board or the Grand Jury of any county, such question shall be determined by the judge of assize. The judge may reserve any such question for the consideration of a Divisional Court, or may direct any such question to be argued before a Divisional Court, and any such court shall have power to hear and determine any such question so reserved or directed to be argued.

Transfer of certain property to County Board.

10. At and after the first meeting in any county of the County Board as constituted under this Act, all such property, real and personal, including all interests, easements, and rights in, to, and out of property, real and personal, and including things in action, as belongs to or is vested in, or would but for this Act have belonged to or been vested in, the grand jury of the county, or in any person in trust for any of the purposes with respect to which the powers, rights, and duties of the grand jury are by this Act transferred to the County Board, shall pass to and vest in the County Board, subject to all debts and liabilities affecting the same.

County Board may enforce provisions of 39 & 40 Vict. c. 75.

11. Every County Board shall have power to enforce the provisions of the Rivers Pollution Prevention Act, 1876 (subject to the restrictions in that Act contained), in relation to any stream being within or passing through or by any part of their county, and for that purpose they shall be deemed to be a sanitary authority within the meaning of that Act, and the county shall be deemed to be their district.

Any expenses incurred by a County Board in the execution of the provisions of the said Act shall be presented to be levied upon the county at large.

Lunatic asylums.

12. The inspector of lunatics in Ireland shall at such times in each year and in such manner as the Lord Lieutenant shall from time to time direct, estimate the sums of money which shall be necessary for the support and maintenance of every district lunatic asylum (including the support and maintenance of the officers thereof and patients therein) for such period as the Lord Lieutenant shall direct, and in every case in which the district of a lunatic asylum shall consist of more than one county shall estimate what proportion of such sums of money is to be contributed by and charged on each county comprised in the district of such lunatic asylum, and shall

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make out for each county a certificate in such form as the Lord Lieutenant shall from time to time prescribe, under the hands or hand of the said inspectors, or one of them, specifying the amount of money so estimated to be necessary for the support and maintenance of the district lunatic asylum of and for such county during the said period, and specifying that the whole or a certain portion thereof, as the case may be, is properly contributable by and chargeable on the said county, and shall transmit the certificate when approved and certified by the Chief or Under Secretary to the county secretary of such county, and thereupon the County Board of such county shall forthwith make a presentment for the amount specified in such certificate as properly contributable by the said county, to be raised off the county at large, and to be paid to the governors of the district lunatic asylum. In this section the term "county" extends to and includes any county of a city or county of a town included at the time of the passing of this Act in the district of any district lunatic asylum, and the term "grand jury" includes the town council of such county of a city or county of a town, and the term "county secretary" includes the town clerk.

13. No presentment of any County Board whereby any liability ~~Traverse~~ dischargeable out of county cess is incurred shall be of any force or effect until stated by a judge of assize, but when so stated every such presentment shall have the same force and effect as a like presentment of the grand jury of the county would have had if this Act had not been passed. It shall be lawful for any person paying county cess for the county to traverse any such presentment, in the same manner and form (subject to rules of court) in which a like presentment of the grand jury of the county might have been traversed if this Act had not been passed. From and after the passing of this Act the judge of assize may, upon the application of any party interested, and upon such terms as the judge shall think fit, direct that any question of fact arising in any traverse of a presentment, whether made under the principal Act or this Act, shall be tried by a special jury, and such question shall thereupon be so tried by a special jury. The costs of every traverse shall be in the discretion of the judge; provided that although there shall be a decision against such traverse, yet if the judge shall be of opinion that there was reasonable and probable ground for the traverse, he may direct that the costs of all or any of the parties shall be paid by the person acting as treasurer of the county from and out of the county money in his hands, and the County Board shall present the same without previous application to presentment.

A.D. 1878 sessions. The practice and procedure of the courts in hearing such traverses, and as to notices and other proceedings preliminary thereto, and as to giving notice to the sheriff and to the parties interested of the intention to apply for a special jury, and as to the summoning and impanelling of the jury, shall be regulated by 5 rules of court to be made in the manner provided by the Supreme Court of Judicature (Ireland) Act, 1877.

The judge may reserve any question as to the legality of any presentment for the consideration of a Divisional Court, or may direct any such question to be argued before any such court, and 10 any such court shall have power to hear and determine any such question so reserved or so directed to be argued.

Saving for existing securities and discharge of debts.

14. Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act on the credit of the county cess of any county, or on the credit of any property by this Act 15 transferred to a County Board; and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by the grand jury or any presentment sessions of any county, in the exercise of any powers or in relation to any property transferred from them to the County Board under this Act, shall be discharged, paid, and 20 satisfied by the County Board.

Saving for contractors, &c.

15. All contracts, deeds, bonds, agreements, and other instruments entered into or made and subsisting at the time of the passing of this Act, and affecting any powers or property by this Act transferred to a County Board, shall be of as full force and effect 25 against or in favour of the County Board (as the case may be), and may be enforced, as fully and effectually as if, instead of the grand jury or any county officer of any county, the County Board had been a party thereto.

Acts of Parliament to be read with reference to the provisions of this Act.

16. All Acts of Parliament relating to such of the powers, rights 30 and duties exercisable by or attaching to county at large presentment sessions or grand juries, as are hereby transferred to and vested in any County Board, or wherein any clerk of the Crown, or clerk of the Crown and peace, or county surveyor, or his assistants, or county secretary or treasurer, or banking company acting as 35 treasurer, or high constable or collector, or any other person may be authorised or required to do any act or thing relative to the exercise by such county at large presentment sessions, or grand jury, of any of such powers, rights, or duties so transferred to and vested in such County Board, shall be read with reference to the County 40 Board of each county as if such County Board were therein men-

tioned or referred to, instead of such presentment sessions, or grand jury. A.D. 1878.

17. At any time after the first meeting of the County Board of any county, as constituted under this Act, the Lord Lieutenant may, by order made by and with the advice and consent of the Privy Council in Ireland, dissolve the board of governors of any asylum for the lunatic poor in that county, and by the same order shall fix and determine the number of governors to be thenceforth appointed for such asylum.
- 10 The board of governors of each such asylum shall be thenceforth appointed in accordance with the following provisions:
- In case only one county contributes to the expense of the lunatic asylum, two thirds of the whole number of governors shall be annually appointed by the County Board of such county in such manner as the Lord Lieutenant, by the same or a like order, shall prescribe:
- 15 In case two or more counties, or a county and a county of a city, or town, or borough, contribute to the expense of the lunatic asylum, two thirds of the whole number of governors shall be annually appointed by the County Boards of such counties, or by the County Boards of such counties in conjunction with the grand jury or town council of such county of a city, or town, or borough, in such manner and proportions, and subject to such directions, as the Lord Lieutenant, by the same or a like order, shall prescribe:
- 20 In all cases, one third of the whole number of governors shall be appointed by the Lord Lieutenant, by and with the advice and consent of the Privy Council, either before or after the appointment of the others:
- 25 And every person so appointed by the Lord Lieutenant shall hold his office for three years, but may be re-appointed at the expiration of each such period. Every member of the board of governors shall be removable by the Lord Lieutenant.
- 30 Of the members to be appointed whether by the Lord Lieutenant or by any County Board, or grand jury, or town council, one half at least shall be justices of the peace.
- 35 Whenever any casual vacancy occurs in the office of any governor appointed by the Lord Lieutenant, it shall be filled by a person to be appointed by the Lord Lieutenant, by and with the advice of the Privy Council. A casual vacancy in the office of any other governor shall be filled by a person to be appointed by such County Board or grand jury or town council as the Lord Lieutenant prescribes.

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Lieutenant shall by such order as aforesaid from time to time prescriba. Every person appointed to fill a casual vacancy shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not happened. 5

Orders made under this section may be revoked or varied from time to time by the Lord Lieutenant by and with the like advice and consent.

County
Secretary.

18. From and after the passing of this Act, the secretary of each grand jury shall be styled "the County Secretary" of the county 10 to which he may belong.

Every such secretary who shall be in office at the time of the commencement of this Act shall hold his office by the same tenure and upon like terms and conditions and his salary shall be paid out of the like funds and in the same manner as if this Act had 15 not been passed.

Whenever after the first establishment of the County Board of any county a vacancy shall occur in the office of county secretary of the county, the appointment to the office shall be made, and the person so appointed shall be removable, by the County Board, and 20 not by the grand jury; and the salary of every person so appointed shall be presented by the County Board and not by the grand jury.

Secretary
to make out
statement of
salaries and
fees.

19. On or before the first day of November next after the passing of this Act, each county secretary shall make out and transmit to the Clerk of the Privy Council in Ireland a statement 25 of all monies received by him as such secretary for and in respect of salary, expenses, allowances, and legal and customary fees during each of the five years immediately preceding the passing of this Act, and also a statement of the duties, obligations, and liabilities of his office as such secretary; and he shall make and 30 sign a declaration at the foot of such statement, under the provisions of an Act passed in the session of Parliament of the fifth and sixth years of the reign of His late Majesty King William the Fourth, chapter sixty-two, for the abolition of unnecessary oaths, that the same has been fully and correctly prepared according to 35 the best of his knowledge and belief.

Lord Lieu-
tenant to fix
salaries of
secretaries.

20. At any time after the commencement of this Act the Lord Lieutenant, by and with the advice and consent of the Privy Council in Ireland may, by order to be published in the Dublin Gazette, fix and determine the amount of the annual salary to be paid thereafter 40 to the county secretary of each county.

The annual salary of each such secretary shall be fixed and determined on the average of the amount of monies received by

way of payment by him in respect of salary, expenses, allowances, and legal and customary fees during the five years immediately preceding the making of such order, due regard being had to the nature and amount of his duties, obligations, and liabilities.

- 5 From and after the date of such order, so much of the principal Act as limits the annual salaries of the secretaries of grand juries to the amounts mentioned in relation to the said secretaries in the schedule to the said Act annexed shall be and the same is hereby repealed.
- 10 Whenever a vacancy shall occur in the office of any secretary, the County Board shall fix, and may thereafter at the end of the first and every subsequent period of five years vary, the amount of the salary of the secretary fixed by the Lord Lieutenant; and on every such occasion the salary of the secretary shall be fixed and determined on the average of the amount of money received by way of payment by him in respect of salary, and of expenses, allowances, and legal and customary fees, so long as such fees shall continue to be payable, and afterwards on the average of his salary and of the amount received on account of stamps under this Act.
- 15 20 Such average shall be taken on each occasion for the five years immediately preceding.

The Lord Lieutenant, by and with the advice and consent of the Privy Council in Ireland, may from time to time by order fix and determine the fees to be paid in respect of forms and documents in respect of which legal or customary fees are payable at the time of the passing of this Act to secretaries of grand juries: Provided always, that the amount to be paid in lieu of any legal fee shall not exceed the amount now payable in respect of such fee, and the amount to be paid in respect of any customary fee shall not

30 exceed one shilling and sixpence.

21. From and after a date to be fixed in the said order, it shall not be lawful for any county secretary to take or receive any money in payment of any legal or customary fees of what nature and kind soever in relation to forms and documents, which before the passing of this Act have been received in money by such secretary in and by virtue of his office of such secretary, and such fees shall thereupon cease to be payable in money, but shall be received by a stamp denoting the amount of the fee payable in respect of such forms or documents.

40 22. All stamps to be used under this Act shall be adhesive.

23. When any fee comprised in any such notice is payable in respect of a document, the stamp denoting the amount of fee shall be affixed to such document; and when any such fee is payable

*Allotments
and fees not
to be paid.*

*Stamps to
be adhesive.
Stamps to be
affixed to
documents.*

A.D. 1873. otherwise than in respect of a document the stamp denoting the amount of fee shall be affixed to such document as by the said order may be prescribed to be used for such purpose.

Regulations to be made by Treasury. — 24. The Commissioners of Her Majesty's Treasury may from time to time make such regulations as seem fit regarding— 5

The price to be paid for stamps under this Act by grand juries and county presentment sessions:

The application of such stamps to documents in use or required to be used as aforesaid:

The cancellation of adhesive stamps. 10

The Commissioners of Inland Revenue shall furnish to the county secretary of each county in Ireland, at such price as may be fixed by the Commissioners of Her Majesty's Treasury, such number of such stamps as such secretary may from time to time require, and shall upon each occasion of furnishing such 15 stamps transmit a statement of the amount so furnished to the grand jury and the county presentment sessions of such county.

The County Board shall from time to time present in advance such sums as may be estimated to be necessary to enable the county secretary to procure a sufficient supply of such stamps. 20

The county secretary of each county shall supply stamps to any person demanding the same on payment of the amounts denoted by such stamps; and such secretary shall pay the amounts so received by him, as soon as may be after such receipt, to the treasurer of such county, deducting from the same all moneys 25 paid to the Inland Revenue Commissioners for the supply of such stamps, and the amount so paid shall be applied by the treasurer to the general purposes of such county in such manner as the County Board of such county shall from time to time present.

Examination for office of county surveyor.

25. So much of the second section of the Act to amend the law relating to the appointment of county surveyors in Ireland, passed in the session of Parliament held in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter one hundred and six, as provides that the examination by the Civil Service Commissioners into the qualifications of persons desirous to act as such surveyors, shall be held whenever a vacancy shall occur in any of such offices, shall be and the same is hereby amended in manner following; that is to say, such examinations shall be held by the Civil Service Commissioners whenever a vacancy shall occur in any of such offices, and at such other times as the Lord Lieutenant shall from time to time order. 35

Increase in limit of salary of assistants.

26. So much of the principal Act, and of The County Surveyors (Ireland) Act, 1861, as limits the amount of the salaries of

assistants to county surveyors to eighty pounds per annum shall be and the same is hereby repealed, and each of such assistants in any county shall be paid such salary not exceeding one hundred and twenty pounds per annum as the County Board of such county shall direct, to be paid in such quarterly or other payments as such County Board shall order, and the same shall be presented by such County Board and not by the grand jury.

27. Whenever, after the commencement of this Act a vacancy shall occur in the office of high constable and collector for any barony by reason of the death, resignation, or removal of any such high constable or collector, the grand jury of the county, or the justices of the peace of such county, shall not proceed to appoint another person to be high constable or collector. Upon the occurrence of any such vacancy, the county secretary shall send by post a notice thereof to every person who is a collector of poor rate for any electoral division any part of which is locally situate in such barony, requiring such collector to accept or refuse the office of collector of county cess for such portion of the barony as is next herein-after particularly mentioned.

28. Such of the said collectors of poor rate as shall consent thereto shall immediately thereupon severally be the collectors of county cess, in respect of so much of the district for which each such person is collector of poor rate as is situate within such barony. The poundage rate payable to every such collector for collecting the grand jury cess in such district shall be the same poundage as that paid to him for collecting the poor rate.

Thenceforth the offices of collector of poor rate and collector of county cess in such district shall be and remain united, and upon any vacancy therein one person shall be appointed thereto in the manner in which collectors of poor rate are now appointed.

In case any such collector of poor rate refuses or is unable to accept such office of collector of county cess, the county secretary shall summon a meeting of the baronial presentment sessions of the barony in which such vacancy exists, who shall proceed to appoint some other person to be temporary collector for such district for which there is no collector, upon such terms as to poundage or remuneration, not exceeding a charge of nine-pence in the pound, as they shall think fit. Whenever thereafter a vacancy shall occur in the office of collector of poor rate in such district, such temporary appointment of collector of county cess shall cease and determine, and one person shall be appointed to the united offices of collector of poor rate and collector of county

A.D. 1878. cess in the manner in which collectors of poor rate may be appointed under the Acts for the time being in force. Every person appointed to be collector or temporary collector of county cess under the provisions of this Act shall have, in respect to the district for which he is appointed, all the authority and powers, and shall 5 exercise and perform all the duties theretofore enjoyed, exercised, or performed by the high constable or collector acting for such district.

Every collector, before entering upon the duties of his office, instead of giving security in the manner prescribed by the principal 10 Act, shall give security for the due performance of his duties, in such manner and to such amount as the Local Government Board for Ireland shall in each case prescribe.

Appointment of coroner by County Board. 28. Whenever after the establishment in any county of a County Board under this Act a vacancy occurs in the office of a coroner for 15 any district of that county, no writ shall issue under the authority of an Act of the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty, chapter thirty-seven, for the election of another person as coroner to fill such vacancy, but a writ shall be directed to the County Board of the county for which 20 or within the limits of which such vacating coroner acted, requiring such County Board to proceed as soon as practicable to the appointment of a duly qualified person as coroner to fill such vacancy.

A writ for the purposes of this section shall be issued by the Lord Chancellor of Ireland on the petition of two or more members 25 of the County Board of the county for or for a district of which the coroner is to be appointed, and shall be in such form as the Lord Chancellor may from time to time determine.

On the receipt of such writ the County Board in general meeting shall proceed to appoint a duly qualified person as coroner, and 30 shall make a return to the writ, naming the person appointed coroner by them, within such time as may be directed by the writ, and if they fail to comply with the requisitions of such writ, it shall be lawful for the Lord Chancellor to appoint a coroner instead of the County Board.

A coroner appointed under this Act shall stand in the same position, and have the same powers and privileges, and be subject to the same liabilities, capacities, and incapacities as he would have had and been subject to if this Act had not been passed, and he had been elected instead of being appointed.

After the passing of this Act, no person shall be elected or chosen to any office of coroner in Ireland, unless at the time of being so elected or chosen he, in addition to possessing such statutable

qualification as is required at the time of the passing of this Act, is A.D. 1878, further qualified as follows; that is to say,

- (a.) Is a barrister-at-law; or
- (b.) Is on the roll of solicitors in Dublin; or
- 5 (c.) Is duly qualified to practise medicine or surgery, and registered as so qualified under the Medical Act of 1858, or any Act amending the same.

Supplemental Provisions as to County Boards.

29. Any member of the County Board may resign by notifying Resignation of member, in writing his intention so to do to the chairman of the board for and vac- the time being. A casual vacancy in the office of any member of the County Board shall be filled up by the board; but any person appointed to fill a casual vacancy shall be qualified as the person in whose stead he is appointed was qualified, and shall hold office 15 so long only as the vacating representative would have held office if no casual vacancy had occurred.

A member dying between the time of his becoming a member and the time of his entering his office, also a member ceasing to hold any such qualification as would enable him to be elected a member, 20 shall be deemed to create a casual vacancy.

If from any cause whatever an election of members for any barony does not take place on the day appointed for such election the retiring members shall, if willing to serve, continue in office during the ensuing year.

30. If any member of any County Board— Disqualifi-
 1. Holds any office or place of profit under the board; or,
 2. Participates in the profits of any work done by order of the board; or,
 3. Is concerned in or participates in the profit of any contract entered into by the board.
 30 such person shall cease to be a member of the board, and his office shall thenceforth become vacant, subject to the exceptions following; (that is to say,) 1. A member of the board shall not vacate his office by reason of his being a shareholder in any company entering into any contract with or supplying any article by order of the board; and
 35 2. A member of the board shall not vacate his office by reason of his being interested in any sale or lease of any lands or any loan of money to the board:

A.D. 1878. Nevertheless a member of the board shall not be entitled to vote in respect of any contract with or any supply of articles by order of the board when such contract is entered into with or articles supplied by any company in which he is a shareholder, or in respect of any question connected therewith, or in respect of any such sale, lease, or loan as herein-before mentioned, and if he does so vote his vote shall not be counted, and he shall incur for each time when he so votes a penalty not exceeding *twenty pounds*, to be recovered in a summary manner.

Legal status
of board :

31. (1.) The County Board shall be a body corporate by the name 10 of the County Board of the county to which it belongs, or by such other name as it may from time to time adopt in lieu thereof with the sanction of the Local Government Board. It shall have a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution, without any license 15 in mortmain :

(2.) Any act or proceeding of the board or of a committee of the board, shall not be questioned on account of any vacancy or vacancies in their body :

(3.) A defect in the qualification or election of any person or 20 persons acting as members or member of the board or of a committee of the board shall not be deemed to vitiate any proceedings of such board or committee in which he or they have taken part in cases where the majority of members parties to such proceedings are duly entitled to act : 25

(4.) Any minute made of proceedings at meetings of the board or of committees of the board, if signed either at the meeting of the board or of the committee at which such proceedings took place, or at the next ensuing meeting of the board or of the committee, by any person purporting for the time being to be the chairman of the board or of the committee, and also any extract from such minute of any proceedings of the board, certified by the proper officer to be a true extract, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; and until the contrary is proved, every meeting of the board or of any committee of the board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified : 35

(5.) No member of the County Board or of a committee thereof, by being party to, or executing in his capacity of member, 40 any contract or other instrument on behalf of the board or committee, or otherwise exercising any of the powers given to the board or committee, shall be subject individually to any action, suit, trial,

prosecution, or other legal proceeding; and the board or committee may apply any moneys from time to time coming into their hands for the purpose of paying any costs of legal proceedings or damages they may incur in execution of the powers granted to them:

5 (6.) Any instrument which, if made by private persons, would require to be under seal, shall be under the seal of the board and signed by the proper officer of the board. Any notice issued by or on behalf of the board shall be deemed to be duly executed if signed by the proper officer, but, subject as aforesaid, any appointment made by the board, or committee of the board, and any contract, order, or other document made by or proceeding from the board, or committee of the board, shall be deemed to be duly executed, either if sealed with the seal of the board, or if signed by two or more members of the board or committee authorised to sign them by a resolution of the board or committee, and signed by the proper officer; but it shall not be necessary in any legal proceeding to prove that the members signing any such order or precept were authorised to sign them, and such authority shall be presumed until the contrary is proved:

20 (7.) The proper officer of the board shall be any officer authorised by the board to sign such documents as he is required to sign as aforesaid, and it shall not be necessary in any legal proceeding to prove his authority, and such authority shall be presumed until the contrary is proved.

25 32. It shall be the duty of Her Majesty's High Court of Justice in Ireland, upon the application of any person who may be aggrieved by or complain of the election of any member of a County Board, or any proceeding, act, or matter touching the same (reasonable notice having been given by the adverse party to those affected thereby of such intended application) to proceed forthwith and in a summary way to hear the affidavits, proofs, and allegations of the parties, or otherwise to inquire into the matter or cause of complaint, and either to confirm the election so complained of, or to order a new election, or to make such order and give such relief in the premises as right and justice may appear to the court to require; but no such application as aforesaid shall be entertained by the court unless it is made within one month after the election has taken place in respect of which the complaint is made; and no such election shall be declared invalid by reason of any defect in the title of the returning officer.

Appeal to
High Court
of Justice in
respect to
invalid elec-
tion.

33. Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or

Computation
of time.

A.D. 1878. — the taking of any proceeding, then in the computation of such limited time the same shall be taken as exclusive of the day of such date or of the happening of such event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at the latest on the last day of 5 such limited time according to such computation, unless such last day is a Sunday, or a day appointed for public fast, humiliation, or thanksgiving, or a bank holiday, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section 10 specified.

Where by this Act any act or proceeding is directed to be done or taken on a certain day, then if that day happens to be one of the days in this section specified, such act or proceeding shall be considered as done or taken in due time if it is done or taken on 15 the next day afterwards, not being one of the days in this section specified.

Committees
of County
Board.

34. The County Board of any county may from time to time form a committee or committees, consisting of such number of their own members as they think fit, and may fill up any vacancy 20 in any such committee arising from death, resignation, or any other cause, and may delegate to any such committee any powers, other than the powers of borrowing money and of making rates, conferred on them by this Act. The members of any committee may from time to time be increased or diminished by the board, with the 25 qualification that a committee shall not in any case consist of less than five members.

The board shall in the case of each committee determine the quorum required to be present at the meetings of such committee.

The proceedings of a committee shall not be invalidated by any 30 vacancy or vacancies amongst the members.

Regulations
as to County
Board in
schedule.

35. The regulations contained in the Second Schedule to this Act as to proceedings of County Boards, and to proceedings of committees of County Boards, shall be of the same force as if they were enacted in the body of this Act, and shall be deemed to be 35 part of this Act.

Expenses of
grandjury.

36. Whenever the grand jury of any county shall lawfully present any money chargeable upon the county cess, after the establishment in such county of a County Board, the county secretary shall, at the next meeting of the County Board, lay a 40 copy of such presentment before the County Board, who shall thereupon proceed to carry such presentment into effect, by assessing

and levying the amount thereof in the manner prescribed by the grand jury.

If default is made by the County Board in carrying out such presentment, the judge of assize at any ensuing assizes shall have power to make an order directing any sum or sums which ought to have been so presented by the County Board to be levied and raised as if the same had been so presented, and such order shall have the force and effect of a presentment, and the person performing the duties of treasurer of the county shall insert in his warrant the sum mentioned, and the same shall be appotted, raised, levied, and applied in like manner, to all intents and purposes, as if the same had been duly presented by such County Board.

37. From and after the commencement of this Act, the baronies comprised in the second column of the Third Schedule to this Act shall each be divided into subdivisions. Each of such subdivisions shall, for the purposes of the principal Act and of this Act, be deemed and taken to be a barony. The baronies named in the second column of the Fourth Schedule to this Act as being united together shall be united as is shown in the said schedule, and the baronies forming each such union shall be deemed and taken to be one barony for the purposes of the principal Act and of this Act. The Lord Lieutenant shall, after the passing and before the commencement of this Act, by and with the advice and consent of the Privy Council in Ireland, by order declare at what place the first baronial sessions for each such new barony shall be held, and, in the case of division of baronies, shall declare what townlands or other denominations of land shall be comprised in each subdivision; and, where no name is given to such subdivisions in the said schedule, by what name such subdivisions shall be called; and the boundaries thereof shall thereupon be defined and marked out in the manner prescribed by the statutes in that behalf in relation to baronies divided by the grand jury of any county under the provisions of the principal Act. Any presentment or order made after the passing of this Act under the provisions of the one hundred and seventy-fifth section of the principal Act shall be of no effect unless and until confirmed by the Lord Lieutenant, by order made by and with the advice and consent of the Privy Council.

38. The provisions of this Act shall apply to the county of Dublin, subject to the modifications following:

The expression "the principal Act" shall mean the Act of the session of Parliament held in the seventh and eighth years of the

A.D. 1870.

reign of Her present Majesty, chapter one hundred and six, intituled "An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of Dublin," as the same is amended by any Act or Acts.

The term "grand jury" shall extend to and include the finance committee appointed by the grand jury.

The term "assizes" shall mean presenting term, and the term "judge of assize" shall mean the Queen's Bench Division of the High Court of Justice.

Parts of

Acts in

Schedule V.

repealed.

39. After the commencement of this Act there shall be repealed 10 the several parts of the Acts specified in the fifth schedule to this Act annexed, to the extent in the said schedule mentioned: Provided always, that no repeal hereby enacted shall affect any order made or any act or thing duly done under or by virtue of any of the sections hereby repealed.

15

A.D. 1878.

S C H E D U L E S.**SCHEDULE I.**

Belfast.	Galway town.
Carrickfergus.	Kilkenny city.
Cork city.	Limerick city.
Drogheda.	Waterford city.
Dublin city.	

SCHEDULE II.*Proceedings of County Board.*

- 10 (1.) The County Board of every county shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, as they think fit (including the quorum at meetings of the board),
 15 subject to the following conditions :
- (a.) The first meeting shall be held not later than the first day of June 1879, on such day as the county secretary may, by notice published in a local newspaper or newspapers in at least three consecutive weeks, previously appoint ; one week's notice of such meeting shall be sent by the secretary to every person qualified to attend ; and subsequent to such first meeting ;
 - (b.) One meeting at the least shall be held within one month after each session ;
 - (c.) Not less than four ordinary meetings shall be held in each period of twelve months ; and
 - (d.) An extraordinary meeting may be summoned at any time on the requisition of three members of the board ; and
 - (e.) Every question shall be decided by a majority of votes of the members present and voting on that question ; and
 - 30 (f.) The names of the members present at a meeting, and, upon a requisition made by three or more members voting on that question, the names of the members voting on that question, shall be recorded : and

A.D. 1878.

- (g.) The quorum to be fixed by the board shall consist of not less than three members.
- (2.) The board shall, at the first meeting, and afterwards from time to time at their first meeting after each annual appointment of members of the board, appoint one of their members to be chairman, and one other of their members 5 to be a vice-chairman for the year following such choice.
- (3.) If any casual vacancy occur in the office of chairman or vice-chairman, the board shall, at their next meeting after the occurrence of such vacancy, choose some member of their number to fill such vacancy; and every such chairman or vice-chairman so elected as last aforesaid shall continue in 10 office so long only as the person in whose place he is so elected would have been entitled to continue if such vacancy had not happened.
- (4.) If at any meeting the chairman is not present at the time appointed for holding the same, or within fifteen minutes after such time, the vice-chairman shall be the chairman of the meeting; and if neither the chairman 15 nor vice-chairman be present, then the members present shall choose some one of their number to be a chairman of such meeting.
- (5.) In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.
- (6.) All orders of the board for payment of money and all precepts issued by 20 the board, and all contracts made by or on behalf of the board, except contracts required to be under seal, shall be deemed to be duly executed if signed by two or more members of the board authorised to sign them by a resolution of the board, and countersigned by the county secretary or other officer of the board appointed to countersign such orders and precepts, but it shall not 25 be necessary in any legal proceeding to prove that the members signing any such order, precept, or contract were authorised to sign it, and such authority shall be presumed until the contrary is proved.
- (7.) The County Board may use for their meetings the County Court House, or any Quarter Sessions Court House, or other building used for county par- 30 poses.

Proceedings of Committees of County Board.

- (1.) Every committee of a County Board shall, in the exercise of their powers, conform to any regulations that may be imposed on them by the County Board of which they are a committee. 35
- (2.) A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, or within fifteen minutes after such time, the members present shall choose one of their number to be chairman of such meeting.
- (3.) A committee may meet and adjourn as they think proper. In case of an equal division of votes at any meeting of a committee the chairman shall have a second or casting vote.

SCHEDULE III.

A.D. 1878.

	Column I. (Names of Counties.)	Column II. (Names of Baronies to be divided.)
5	Cork - - -	Barrymore (East and West). Duhallow (East and West). Fermoy (East and West).
	Donegal - - -	Kilmacrennan.
	Dublin - - -	Bathdown.
10	Kerry - - -	Trughanacay, Magunihy.
	Kilkenny - - -	Gowran.
	Londonderry - - -	Longblinshollin.
	Mayo - - -	Tirawley.
15	Tipperary, N.R. - - -	Lower Ormond. Clanwillium (North and South).
	Tyrone - - -	Omagh East. Dungannon Middle.
	Waterford - - -	Dromes without Droma.

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SCHEDULE IV.

	Column I. (Names of Counties.)	Column II. (Baronies to be united.)
25	Carlow - - -	Feth and St. Mullin's Upper.
	Cork - - -	Kinsale and Courceys. Kinnataleoon and East Barrymore.
30	Kildare - - -	Barretts and East Duhallow.
	Kilkenny - - -	Kilenlen and South Nass. Narragh and Reben East and Narragh and Reben West.
35	King's - - -	Callan and Shillongbar. Gesshill and Philipstown Upper. Philipstown Lower and Warrenstown.

A.D. 1878.

	Column I. (Names of Counties.)	Column II. (Bassins to be united).	
	Limerick - - -	North Liberties of Limerick and Publiebrien. Killmallock and Coshma. Owneybeg and Coosangh. Drogheda and Ferrard. Athlone South and May- corn.	5
	Louth - - -	Kilmallock Lower and North Clonwillian.	10
	Roscommon - - -	Kilealilheen and Gaultier.	
	Tipperary, S.R. - - -		
	Waterford - - -		

SCHEDULE V.

Parts of Acts repealed by the foregoing Act:

6 & 7 Will. 4. c. 116. Sections seven, eight, nine, ten.

15

7 & 8 Vict. c. 106. Sections sixty-nine, seventy, seventy-one, seventy-two, seventy-three, ninety, ninety-one.

**Grand Jury Law Amend-
ment (Ireland).**

To amend the Law relating to Grand Juries and Presentment Sessions in Ireland.

BILL

(Repealed and brought in by
Mr. Justice Lawler and Mr. Attorney-General
for Ireland.)

Ordered by The House of Commons, to be Printed,
29 February 1878,

[Bill 120.]

Under 4 o'clock.